

UNITED STATES OF AMERICA :  
 :  
 v. : CR 07-125-08 S  
 :  
 WILFREDO RIVERA :

At the March 16, 2009, hearing, Defendant's counsel represented that Defendant did not presently have access to the deposit box and that the persons who have such access were not accepting Defendant's telephone calls. Given that Defendant is being detained and accepting as true the representation of his

counsel regarding Defendant's inability to access the money in the deposit box, the Court finds that Defendant does not presently have the ability to pay any amount to partially offset the cost of his representation by the Federal Defender. However, I recommend that Defendant's ability to pay be reviewed in the future as stated below.

### **Conclusion**

For the reasons stated above, **I recommend that Defendant's ability to pay an amount to partially offset the cost of his representation by the Federal Defender be reviewed when Defendant is either released from custody or is sentenced.** Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within ten (10)<sup>1</sup> days of its receipt. See Federal Rule of Civil Procedure 72(b); District of Rhode Island Local Rule Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1<sup>st</sup> Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1<sup>st</sup> Cir. 1980).

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<sup>1</sup> The ten days do not include intermediate Saturdays, Sundays, or holidays. See Fed. R. Civ. P. 6(a)(2).

/s/ David L. Martin  
DAVID L. MARTIN  
United States Magistrate Judge  
March 16, 2009